IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO.218 OF 1992.

Shri Vasudeo Mahadeo Bhopi : Appellant.

versus

The Spl.Land Acquisition Officer,
Metro Centre No.12 & ors. : Respondents.

Mr.B.G.Vaidya i/by M/s.Shelke & Co. for the appellant.
Mr.B.R.Patil, Acting Government Pleader, for State.

CORAM : D.G.DESHPANDE,J.

DATED : 21st March 2005.

ORAL ORDER

1. Heard advocate for the appellant and the learned Acting Government Pleader for the State. This appeal is filed by the original claimant No.2 for enhancement of compensation awarded to

them by the Reference Court.

2. The land of the claimant situated at village Kamothe was acquired. He examined the expert and valuer Jeevan Kulkarni in support of his contention as was done by the scores of persons affected by acquisition in their respective references. Jeevan Kulkarni has given, as of his practice, a detailed report in this case which was exhibited at Exhibit 18. From the report following is the distance of the acquired land from the important land marks :-

1.	Bombay Pune National Highway No.4	3040 M.East
2.	Sion Panvel Highway	2240 M.NE.
3.	Jawahar Co-op.Indl.Estate Kamothe	2080 M.East
4.	MIDC Industrial Eastate Taloja	7000 M.NE.
5.	Panvel Industrial Estate	3200 M.SE.
6.	Panvel Municipal Limits (Extended)	800 M.SE.
7.	Panvel S.T.Stand	4000 M.SE.
8.	Panvel Railway Station	4200 M.SE.
9.	Kamothe Gavthan	80 M.

3. Jeevan Kulkarni admitted in his cross examination that the lands under acquisition were away from the lands involved in the High Court

decision upon which reliance was placed to which there is a reference in para 9 of the judgment. High Court for certain lands which were nearer to the Gaothan awarded Rs.12/- per sq.mtr compensation. In the large group of land acquisition matters from village Kamothe and surrounding areas were decided by me on the basis of the judgment of the Division Bench [Comprising of Justice A.P.Shah and Justice J.A.Patil] of this Court in a Group of Appeals bearing First Appeal No.875 of 1995 dated 16.3.2000, wherein this Court has taken the criteria as the distance of acquired land from Bombay Pune National Highway. The distance in this case of the acquired land from the Bombay Pune National Highway is 3040 M. and, coupled with the fact that the acquired land is away from Gaothan as compared to other matters decided by the High Court and as referred by the Reference Court. The award of compensation at Rs.12/- per sq.mtr by the Reference Court is proper. No interference is required for. Appeal is dismissed.

[D.G.DESHPANDE]

21/03/2005 JUDGE.